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CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

1       ELIZABETH A. STRANGE  
2       First Assistant United States Attorney  
3       District of Arizona  
4       Angela W. Woolridge  
5       Assistant U.S. Attorney  
6       Arizona State Bar No. 022079  
7       United States Courthouse  
8       405 W. Congress Street, Suite 4800  
9       Tucson, Arizona 85701  
10      Telephone: 520-620-7300  
11      Email: angela.woolridge@usdoj.gov  
12      Attorneys for Plaintiff

CR19-00984 TUC-JAS(LCK)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

I N D I C T M E N T

Violations:

18 U.S.C. § 371  
(Conspiracy)  
Count 1

18 U.S.C. §§ 2510(2), 2511(1)(a) & (4)(a)  
(Interception of Communications)  
Counts 1, 2

18 U.S.C. §1001(a)(2)  
(False Statements)  
Counts 3, 4

vs.  
Mark Vincent Baker,  
Counts 1, 2, 3;  
Donna Jaskolski,  
Counts 1, 2, 4;

Defendants.

THE GRAND JURY CHARGES:

COUNT 1

From on or about October 5, 2017, to on or about October 18, 2017, at or near Sierra Vista and Fort Huachuca, in the District of Arizona, the defendants, MARK VINCENT BAKER and DONNA JASKOLSKI, did knowingly and intentionally combine, conspire, confederate, and agree together and with persons known and unknown to the grand jury, to commit offenses against the United States, that is: the intentional interception of an oral communication, as defined in Title 18, United States Code, Section 2510(2); in violation of Title 18, United States Code, Sections 2511(1)(a) and (4)(a).

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## Purpose of the Conspiracy

The purpose of this conspiracy was to intercept a communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying such expectation; specifically, oral communications made between individuals in the Government Action Officer's office within the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort Huachuca.

## **The Means and Methods of the Conspiracy**

The means and methods employed by the defendants and their co-conspirators to carry out the conspiracy and effect its unlawful objects are as follows:

It was part of the conspiracy that the defendants would obtain a digital recording device to surreptitiously record oral communications made between individuals in the Government Action Officer's office within the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort Huachuca.

It was a further part of the conspiracy that one of the defendants would use his contract employee access to enter the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort Huachuca, disarm the alarm, and place a digital recording device in or near the Government Action Officer's office in a location out of view for the purpose of surreptitiously recording oral communications made between individuals in the office.

It was a further part of the conspiracy that the same defendant would later return to the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort Huachuca, disarm the alarm, and retrieve the digital recording device previously placed in or near the Government Action Officer's office.

It was a further part of the conspiracy that the defendants would transfer the audio files created on the digital recording device to their desktop computer, and create several copies of the audio files.

It was a further part of the conspiracy that the defendants would send compact discs containing the copies of the audio files to other individuals, including the individuals

who were participants, referenced, or otherwise involved in the recorded oral communications made within the Government Action Officer's office.

## Overt Acts

In furtherance of the conspiracy, one or more of the co-conspirators committed, or caused to be committed, the overt acts described below:

On October 5, 2017, Mark Vincent Baker purchased a digital recording device through the internet.

On several occasions between October 8, 2017, and October 13, 2017, Mark Vincent Baker and/or Donna Jaskolski used, accessed, and/or tested the digital recording device.

On October 12, 2017, Mark Vincent Baker conducted a test of the digital recording device by using it to record oral communications between himself and other individuals. Mark Vincent Baker and Donna Jaskolski then discussed the digital recording device and the purchase of a second digital recording device. On the same date, Mark Vincent Baker purchased a second digital recording device from a retailer.

On October 16, 2017, Mark Vincent Baker entered the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort Huachuca at approximately 4:53 a.m. and disarmed the alarm for the building. Mark Vincent Baker then surreptitiously placed the digital recording device in or near the Government Action Officer's office and turned on the device to record. At approximately 5:16 p.m. on the same date, Mark Vincent Baker again entered the building and disarmed the alarm. Mark Vincent Baker immediately retrieved the digital recording device, armed the alarm, and exited the building. On this date during the time period set forth above, Mark Vincent Baker and Donna Jaskolski communicated through their cellular telephones. Later that date, at approximately 5:38 p.m., Mark Vincent Baker and Donna Jaskolski copied the digital audio file created on the digital recording device onto their desktop computer in their home.

On October 18, 2017, Mark Vincent Baker and Donna Jaskolski accessed the digital audio file and copied its contents into smaller files. Mark Vincent Baker and Donna

1 Jaskolski subsequently copied portions of the audio file onto compact discs, and sent  
2 several compact discs containing the audio files to other individuals who were either  
3 participants, referred, or otherwise involved in the oral communications recorded in the  
4 files.

5 All in violation of 18 U.S.C. Section 371.

6 **COUNT 2**

7 On or about October 16, 2017, at or near Fort Huachuca, in the District of Arizona,  
8 MARK VINCENT BAKER intentionally intercepted and endeavored to intercept, and  
9 DONNA JASKOLSKI procured another person to intercept and endeavor to intercept, an  
10 oral communication as defined in Title 18, United States Code, Section 2510(2), to wit:  
11 oral conversations between individuals within the Government Action Officer's office in  
12 the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort  
13 Huachuca; in violation of Title 18, United States Code, Sections 2511(1)(a) and (4)(a).

14 **COUNT 3**

15 On or about December 20, 2017, at or near Sierra Vista, in the District of Arizona,  
16 MARK VINCENT BAKER knowingly and willfully made any materially false, fictitious,  
17 and fraudulent statement and misrepresentation in any matter within the jurisdiction of the  
18 Government of the United States; to wit, in the course of an investigation by the United  
19 States Department of Justice, Federal Bureau of Investigations, MARK VINCENT  
20 BAKER stated to law enforcement agents that Donna Jaskolski did not have knowledge of  
21 and was not involved with the digital audio recording created by MARK VINCENT  
22 BAKER on October 16, 2017; when in fact MARK VINCENT BAKER had discussed the  
23 recording with Donna Jaskolski both before and after its creation, and MARK VINCENT  
24 BAKER knew that Donna Jaskolski had knowledge of and involvement with the recording  
25 when he made the false statement; in violation of Title 18, United States Code, Section  
26 1001(a)(2).

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**COUNT 4**

2 On or about December 20, 2017, at or near Sierra Vista, in the District of Arizona,  
3 DONNA JASKOLSKI knowingly and willfully made any materially false, fictitious, and  
4 fraudulent statement and misrepresentation in any matter within the jurisdiction of the  
5 Government of the United States; to wit, in the course of an investigation by the United  
6 States Department of Justice, Federal Bureau of Investigations, DONNA JASKOLSKI  
7 stated to law enforcement agents that she was not involved with the digital audio recording  
8 created by Mark Vincent Baker on October 16, 2017, did not know what device Mark  
9 Vincent Baker used to create the recording, and was upset upon learning about the  
10 recording after it was created; when in fact DONNA JASKOLSKI and Mark Vincent Baker  
11 had discussed the recording both before and after its creation, DONNA JASKOLSKI had  
12 knowledge of the digital recording device Mark Vincent Baker used to create the recording,  
13 and DONNA JASKOLSKI approved of the recording and was involved in its planning; in  
14 violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL.

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Presiding Juror

**ELIZABETH A. STRANGE**  
First Assistant United States Attorney  
District of Arizona

**REDACTED FOR  
PUBLIC DISCLOSURE**

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**Assistant United States Attorney**

Dated: April 10, 2019